

EXHIBIT 3

Transaction History Date 1994-09-23
 Date information retrieved from USPTO Patent
 Application Information Retrieval (PAIR)
 system records at www.uspto.gov



**UNITED STATES DEPARTMENT OF COMMERCE
 Patent and Trademark Office**

Address COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington DC 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO
---------------	-------------	----------------------	--------------------

07/31, 2003 03/14/92 HE TNA

I

EXAMINER

E2M1/0923

MICHAEL B EINECKLAG
 25601 CEFN HILL DRIVE
 LOS ALTOS HILLS CA 94024

ART UNIT PAPER NUMBER

2007 6

DATE MAILED

This is a communication from the examiner in charge of your application
 COMMISSIONER OF PATENTS AND TRADEMARKS

BEST COPY

☒ This application has been examined ☐ Responsive to communication filed on 07/21/94 ☒ This action is made final

A shortened statutory period for response to this action is set to expire Three month(s) _____ days from the date of this letter
 Failure to respond within the period for response will cause the application to become abandoned 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited by Examiner PTO 892 | 2 <input type="checkbox"/> Notice re Patent Drawing PTO 948 |
| 3 <input type="checkbox"/> Notice of Art Cited by Applicant PTO 1449 | 4 <input type="checkbox"/> Notice of Informal Patent Application Form PTO 152 |
| 5 <input type="checkbox"/> Information on How to Effect Drawing Changes PTO 1474 | 6 <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- 1 ☒ Claims 30-81 are pending in the application
 Of the above claims _____ are withdrawn from consideration
- 2 ☐ Claims _____ have been cancelled
- 3 ☐ Claims _____ are allowed
- 4 ☒ Claims 30-81 are rejected
- 5 ☐ Claims _____ are objected to
- 6 ☐ Claims _____ are subject to restriction or election requirement
- 7 ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes
- 8 ☐ Formal drawings are required in response to this Office action
- 9 ☐ The corrected or substitute drawings have been received on _____ Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing PTO 948)
- 10 ☐ The proposed additional or substitute sheet(s) of drawings filed on _____ has (have) been ☐ approved by the examiner ☐ disapproved by the examiner (see explanation)
- 11 ☐ The proposed drawing correction filed on _____ has been ☐ approved ☐ disapproved (see explanation)
- 12 ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application serial no _____ filed on _____
- 13 ☐ Since this application appears to be in condition for allowance except for formal matters prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle 1935 C.D. 11 453 O.G. 213
- 14 ☐ Other

EXAMINER'S ACTION

Serial Number 07/851,903

-2-

Art Unit 2307

1 Claims 30-81 are rejected under 35 U S C § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

In claim 30, lines 3-4, and lines 5-6, the steps of "designating the information as data", and "designating as a label" are ambiguous As claimed, it is hard to follow what the applicant is referring to exactly

In lines 7-8, and 9-10, the expression "the data structure" lacks proper antecedent basis

2 Claims 31-38 are structurally and functionally identical to the claim discussed above Therefore, they are rejected on similar grounds

3 Claims 39-81 are rejected for incorporating the errors of their respective base claims

4 Applicant's arguments filed 07/21/94 have been fully considered but they are not deemed to be persuasive

Serial Number 07/851,903

-3-

Art Unit 2307

5 The following is a quotation of 35 U S C. § 103 which forms the basis for all obviousness rejections set forth in this Office action

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U S C § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C F R § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U S C § 102(f) or (g) prior art under 35 U S C § 103.

6 Claims 30-81 are rejected under 35 U S C § 103 as being unpatentable over Izawa (USP 5,179,658), in view of Goldhor (USP 5,231,670).

In reference to claims 30-81, Izawa taught of an operator entering data which is stored, and through a keyboard retrieval codes (labels) and titles are associated with the entered data [col 4 lines 58-68 to col 5 lines 2 and 51-52, col 6 lines 18-

Serial Number 07/851,903

-4-

Art Unit 2307

24] The title/retrieval codes are in a data structure as shown in Figure 2, see also col 5 lines 25-35, 46-57 Further, titles are received from the user and stored in a data structure [col 5 lines 51-52, Figure 2 col 5 lines 46-57] The title data was in hierarchical form as shown in Figure The claimed feature of receiving information to associate with the already received label was taught in col 9 lines 27-42 Izawa also taught deletion of a label [Fig 19, col 11 lines 61-68] The user may retrieve and access the stored data which may be referenced by titles This action is indicating a position in the data structure and to retrieve requires moving to the position [col 2 lines 53-61, col 6 lines 57-61] The file label may be changed/inserted [see Fig 25, col 13 lines 27-34] Labels may be changed [Fig 25, col 13 lines 27-34] The user may select a module to be transmitted and displayed [Fig 14 and 17] The user, in the selecting process, may choose to switch documents (which is moving vertically) or switch pages (which is moving horizontally) [see Figs 2 and 14-15, col 5 lines 46-57, col 11 starting at line 3] Izawa did not specifically teach the use of audio or speech information Goldhor taught a system which generates text from voice input [col 3 lines 37-46] The claimed feature of storing audio information was taught in col 2 lines 40-46, col 3 lines 37-42, because the processing features discussed inherently requires storage of the data Information related to each event,

Serial Number 07/851,903

-5-

Art Unit 2307

a label, is stored in the data structure [col 2 lines 47-55] It would have been obvious to one of ordinary skill in the art at the time of the present invention to use audio information that has been generated into text because this provides the versatility of allowing the user to dictate the document which was the goal of Goldhor's system

Further, portions of the "label" information, such as the title, are entered with or before the document [col 9 lines 27-42] Other portions, such as the address and size of the document [see Fig 10] are entered after the document [col 9 lines 17-25] The use of receiving facsimile information was not specifically taught by Izawa However, whether the information received was audio, facsimile or data from a keyboard it would have been obvious to one of ordinary skill in the art at the time of the present invention to use any data with the filing system because it increases the versatility of the system to enable many input means for inputting the data

Serial Number 07/851,903

-6-

Art Unit 2307

REMARKS

In light of the new claims 30-81 presented to more clearly define the present invention, the examiner withdraws the 102 rejections. However, there exists some ambiguities in the new claims hereby submitted (see paragraphs 1-3 above). Further, the examiner kindly notices that it would have been obvious to a routineer in the art to combine the teachings of Izawa and Goldhor to produce a method as covered by the new claims 30-81 for the reasons outlined in the above paragraph.

7 **THIS ACTION IS MADE FINAL** Applicant is reminded of the extension of time policy as set forth in 37 C F R § 1.136(a)

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C F R § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

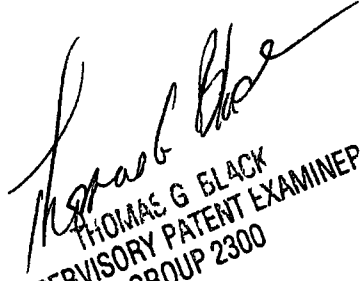
Serial Number 07/851,903

-7-

Art Unit 2307

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R Homere whose telephone number is (703) 308-6647

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600


THOMAS G BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2300